

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

A.B.,

Plaintiff,

-against-

HOFSTRA UNIVERSITY

Defendant.

Case No. 17-cv-5562

**NOTICE OF REMOVAL**

**TO THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK:**

**PLEASE TAKE NOTICE** that Defendant Hofstra University (“Hofstra”) hereby removes the above-entitled action to this Court from the Supreme Court of the State of New York, County of Queens pursuant to 28 U.S.C. Sections 1331, 1343, and 1441, and states that the removal is proper for the reasons stated below.

1. Plaintiff instituted this action on or about August 31, 2017 in the Supreme Court of the State of New York, County of Queens, Index No. 711869/2017 (the “State Action”), which is within this Court’s district and division.

2. An agent of Hofstra was served with a copy of the Summons and Complaint on September 5, 2017.

3. In accordance with 28 U.S.C § 1446(a), a true and correct copy of Plaintiff’s Summons and Complaint is attached hereto as Exhibit A.

4. This Notice of Removal is being timely filed within thirty (30) days of Defendant’s receipt of service of the Summons and Complaint in accordance with 28 U.S.C § 1446(b) and Fed. R. Civ. P. 6(a)(1)(C).

5. Hofstra has not served any answer or responsive pleading in connection with the State Action.

6. Plaintiff's Complaint in the State Action identifies a claim under Title VII of the Civil Rights Act of 1964 ("Title VII") for gender discrimination.

7. Plaintiff's Complaint also identifies claims under the New York State Human Rights Law ("NYSHRL") for gender discrimination and attorneys' fees.

8. This Court has original jurisdiction over the above-captioned action pursuant to 28 U.S.C. § 1331. Specifically, this Court has federal question jurisdiction because Plaintiff's Title VII claim in this action arises under 42 U.S.C. §§ 2000e, *et seq.*

9. This Court has supplemental jurisdiction over Plaintiff's state law claims because they arise out of the same operative facts as those essential to Plaintiff's federal claims under Title VII. Accordingly, the State Action may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441.

10. Hofstra submits this Notice of Removal without waiving any defenses to the claims identified by Plaintiff or conceding that Plaintiff has identified claims upon which relief can be granted. Further, by filing this Notice of Removal, Hofstra does not waive any defenses with respect to the adequacy or effectiveness of service of process.

11. Pursuant to 28 U.S.C. § 1446(d), a Notice of Filing of Notice of Removal is being submitted for filing to the Clerk of the Supreme Court of New York, County of Queens, and is being served upon counsel of record for Plaintiff.

**WHEREFORE**, Defendant Hofstra University respectfully requests removal of the State Action from the Supreme Court of New York, County of Queens, to the United States District Court for the Eastern District of New York.

Dated: September 22, 2017  
New York, New York

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

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